

AO 91 (Rev 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

FILED

for the

Western District of Texas

November 10, 2022

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

United States of America

v.

Cesar Antonio MARQUEZ Oropeza

BY: Cecie Rodriguez

DEPUTY

Case No.

EP:22-MJ-2712 ATB

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 22, 2022 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:

Code Section

Title 18 U.S.C. § 554(a)

Offense Description

Whoever fraudulently or knowingly exports or sends from the United States, or attempts to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States, to-wit: a Canik, model TP9 Elite SC, 9mm pistol.

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.
Complainant's signature

Manuel Mendiola, ATF Task Force Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/10/2022
Judge's signatureCity and state: El Paso, Texas

Anne T. Berton, U.S. Magistrate Judge

Printed name and title

Complaint sworn to telephonically on
November 10, 2022 at 1:30pm and signed
electronically. FED.R.CRIM.P. 4.1(b)(2)(A)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

On or about October 24, 2022, The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), initiated an investigation into the activities of Cesar Antonio MARQUEZ Oropeza involving the trafficking of firearms into Mexico from the United States. MARQUEZ was identified as a citizen and national of Mexico.

On November 9, 2022, MARQUEZ applied for admission into the U.S. from Mexico via the Santa Teresa Port of Entry (POE) in El Paso, Texas. The Customs and Border Protection Officer (CBPO) referred MARQUEZ to a secondary inspection due to a computer-generated alert.

ATF Task Force Officer (TFO) Manuel Mendiola and ATF Special Agent Nate Anderson were notified of MARQUEZ's detention and responded to the POE to interview him. Upon arrival agents identified themselves to MARQUEZ with their issued badges and credentials. MARQUEZ was served his Miranda warnings in the Spanish language by TFO Mendiola which he read, signed and waived his right to have an attorney present during interview.

Agents began by asking MARQUEZ where he currently resided and MARQUEZ stated he lived in Delicias, Chihuahua, Mexico. Agents asked MARQUEZ if he recalled when he last entered the U.S. MARQUEZ stated it was approximately 2-3 weeks ago on a Saturday but could not recall the exact date. MARQUEZ's border crossings indicate MARQUEZ last entered the U.S. on October 22, 2022, via the Santa Teresa POE. MARQUEZ stated that the purpose for entering the U.S. on October 22, 2022, was to purchase merchandise that he transports to Mexico to resell.

Agents displayed a photo of an individual with the initials M.G.L. and asked MARQUEZ if he knew the individual. MARQUEZ stated that he knew the individual and provided his first name. Agents asked MARQUEZ if he met with M.G.L. on October 22, 2022, and MARQUEZ said yes. MARQUEZ admitted that he met with M.G.L. at the Lowes home improvement store located in northeast El Paso, TX to purchase a Canik, 9mm, pistol.

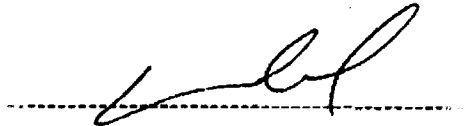
Agents asked MARQUEZ if he was still in possession of the Canik, 9mm pistol and MARQUEZ stated that he had sold it in Mexico and no longer had it. Agents asked MARQUEZ if he had smuggled the firearm to Mexico and MARQUEZ stated yes. MARQUEZ stated that on October 22, 2022, he concealed the firearm within his vehicle and exited the U.S. to Mexico via the Ysleta POE located within the Western District of Texas.

Agents asked MARQUEZ how many firearms he had purchased from M.G.L. and he stated approximately 6 firearms in the past four (4) months. MARQUEZ admitted to smuggling all the firearms to Mexico concealed within his vehicle. MARQUEZ told agents he concealed the pistols in the glove box or in the rear of the vehicle near the window underneath merchandise. MARQUEZ stated that all the firearms were sold to unknown individuals in Delicias, Chihuahua, Mexico and that he made approximately a 4,000 - 5,000 Mexican Pesos (approx. \$200 - \$250 USD) profit on each firearm.

Agents asked MARQUEZ if he knew smuggling firearms to Mexico was illegal and MARQUEZ said yes. Agents asked MARQUEZ if he knew it was illegal to be in possession of a firearm or ammunition based on his non-immigrant status and MARQUEZ said yes. Agents asked MARQUEZ if he had ever obtained or applied for an export license that would allow him to export firearms into Mexico and MARQUEZ said no.

Homeland Security Investigations queried a law enforcement database and was unable to locate any information which would have suggested that MARQUEZ had registered for, or had been granted, an export license relating to the exportation of a Canik pistol or any other firearm.

Because this Affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.

A handwritten signature in black ink, appearing to read 'Mendiola', is written over a horizontal dashed line.

ATF TFO Manuel Mendiola